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13 *Liaison Counsel for Plaintiff*

14
15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 BRIAN D. GARTNER, derivatively
18 on behalf of MUSCLEPHARM
19 CORPORATION,

20 Plaintiff,

21 v.

22 BRAD PYATT, LAWRENCE S. MEER,
23 DONALD W. PROSSER, RICHARD
24 ESTALELLA, JEREMY R. DELUCA,
25 MICHAEL J. DORON, CORY
26 GREGORY, L. GARY DAVIS, JAMES
and DANIEL J. MCCLORY,

Case No.: 2:16-cv-00553

27 **STIPULATION AND**
28 **ORDER REGARDING**
29 **VOLUNTARY DISMISSAL**

[ECF No. 19]

30 Defendants,

31 and

32 MUSCLEPHARM CORPORATION,

33 Nominal Defendant.

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD
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3 WHEREAS, there is currently a shareholder derivative action on behalf of nominal party
4 MusclePharm Corporation, against certain of its current and former directors and officers
5 pending before this Court;

6 WHEREAS, the parties hereby stipulate to the dismissal of the action under Rule 41 of
7 the Federal Rules of Civil Procedure without prejudice;

8 WHEREAS, the parties agree that each party shall bear its own costs and expenses; and

9 WHEREAS, no defendant in this action has entered into a settlement with plaintiff in
10 connection with this voluntary dismissal and neither plaintiff nor their counsel have received, nor
11 will receive, any form of consideration from any defendant in exchange for the dismissal of this
action.

12 IT IS HEREBY STIPULATED AND AGREED by the parties, through their
13 respective counsel of record, as follows:

- 14 1. The action shall be dismissed without prejudice; and
15 2. Each party shall bear its own costs and expenses.

16 Dated this 14th day of November, 2016.

17 Dated this 14th day of November, 2016.

18 **McDONALD CARANO WILSON LLP**

19 **MUCKLEROY LUNT, LLC**

20 By: /s/ Jeff Silvestri
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24 Attorneys for Richard Estalella,
Michael J. Doron and Cory Gregory

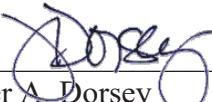
25 By: /s/ Martin Muckleroy
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27 Attorneys for Plaintiff Brian Gartner

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ORDER
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4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this case is
5 **DISMISSED** without prejudice, each party to bear its own costs and attorney's fees. The Clerk
of Court is instructed to **CLOSE** this case.
6

7 Dated: December 19, 2016
8



Jennifer A. Dorsey
United States District Judge

9 Respectfully Submitted by:
10

11 MUCKLEROY LUNT, LLC
12

13 By: /s/ Martin Muckleroy
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15 *Attorneys for Plaintiff*
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